

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

-----x
Michael J. Wang, M.D.

★ MAY 19 2005 ★

Plaintiff,

LONG ISLAND OFFICE

-Against-

United States Medical License
Examination Secretariat,

CV 05-1861
(JS) (ARL)

Defendant,
-----x

**PLAINTIFF PROPOSED FINAL TRIAL EXHIBITS
FINAL TRIAL WITNESSES AND DAMAGES**

Listing and description of exhibits intended to be introduced at trial. Parties will have the opportunity to exchange exhibits in order to formulate objections thereto. As to any exhibits to which the parties can not agree, memoranda have been submitted on or before five working days prior trial.

<u>Exhibit No</u>	<u>Description</u>	<u>Objection</u>
1	Medical School Diploma	
2	ECFMG certificate	
3	Certificate from St. Vincent's Hospital and Medical Center	
3.1	Letter of Recommendation from Marc K. Wallack, M.D.	
3.2	Letter of Recommendation from Danny Fung, M.D.	
3.3	Letter of Recommendation from Edmund Kwan, M.D.	
3.4	Certificate for successful performance the duty of resident in surgery.	
4	Resident contract for 2 nd year (PGY-2)	
4.1	Acceptance letter for 2 nd year resident physician	
5	SUNY's policy regarding requirement of resident.	
6	SUNY resident credential verification form	
7-100	SUNY anesthesia resident evaluations for Dr. Wang	
101	Dr. Wang's third year Resident Contract (PGY-3) SUNY	

102 Letter from ABA notified Dr. Wang's clinical performance
103 Dr. Wang wrote to ABA complaining about discrimination
104 SUNY's suspension letter to Dr. Wang
105 SUNY's termination letter to Dr. Wang
106 OPMC's letter regarding defamation comment from SUNY
107 Dr. Stephen Vitkun's letter to NYSSA state that Dr. Wang
is a resident in good standing in Dept of anesthesiology
108 Resident rotation schedule in 2001
109 Photo of resident reward Dr. Wang received from SUNY
110 Dr. Wang job search after unlawful termination
111 letters of rejection from prospective employment
112 Job search expenses: fax, postage, travel, airfare, hotel.
113 Emotional injury from SUNY & ECFMG's libeled
114 ECFMG's due process policy regarding adverse action
115 USMLE's due process policy regarding adverse action
117 Rules and Statue
119 ERAS application fee and transaction fee
121 Dr. Wang's efforts for new employment
122 EEOC notice right to suit
124 Letter from PA Human relations Commission
127 Physician's evaluations for Dr. Wang's job interview
130 ECFMG defamatory report to USMLE
131 ECFMG & USMLE's due process policy regarding adverse
action
132 USMLE Step I score report
133 USMLE Step II score report
134 Letter from William Kelly (ECFMG) dated June 10, 2004
135 Letter from Susan Deitch (USMLE) dated August 18, 2004
136 Letter from Susan Deitch (USMLE) dated Sept 24, 2004
137 letter from Susan Deitch (USMLE) dated Nov. 19, 2004
139 Letter from Stephen Seeling (ECFMG) dated Dec. 23, 2004

TRIAL WITNESSES

Plaintiff list of witnesses

The individuals listed below will be called to testify as factual witness at the trial of this matter.

Lei Guan, MD
Former resident of Department of Anesthesiology
160 South Middle Neck Road Apt 2M
Great Neck, NY 11021
(516)482-8805

Dr. Guan will testify discriminated and harassment against him by the Dept of anesthesia.

Carlos Torres
236 Pennsylvania Ave.
Crestwood, NY 10707
(914)793-1272

Mr. Torres will testify that he met with plaintiff at Hebei Provincial Hospital, Hebei, China while Dr. Wang was a Tumor Surgeon.

Chien Wu
884 Castleton Ave.
Staten Island, NY 10301-1811
(718)390-0956

Mr. Wu will testify plaintiff's medical education background in China and Dr. Wang's clinical skill as a tumor surgeon.

Shao H. Yang, MD
Former resident of Department of Anesthesiology
424-8 78th Street Apt 1-A
Elmhurst, NY 11373
(718)898-9769

Dr. Yang will testify plaintiff's complaint of discrimination and circumstances of his termination. SUNY interferes with plaintiff's efforts for new employment, and emotional injury plaintiff has been suffering.

Raul J. Masakayan, MD
Former Attending physician of Dept of Anesthesiology

32 Setalcote Place
Setauket, NY 11733
(631)246-9276

Dr. Masakayan will testify plaintiff complaint of discrimination and circumstance of his termination.

Adel R. Abadir, MD
Chairman of Department of Anesthesiology
Brookdale Hospital
1 Brookdale Plaza Room 727 CHC
Brooklyn, NY 11212
(718)240-5356

Dr. Abadir will testify SUNY interfere with plaintiff's efforts for new employment, defamatory comment, interference with professional relationships harm to professional reputation and damages.

Mary P. Malone
Patricia A. Cooney, Regional Program Director
Office of Professional Medical Conduct
145 Huguenot Street
New Rochelle, NY 10801
(917)654-7043

Ms. Malone and Ms. Cooney will testify defamatory comments about plaintiff

M. Jane Matjasko, MD
And other unknown persons at the American Board of Anesthesiology
4101 Lake Boone Trail, Suite 510
Raleigh, NC 27607-7506
(919)881-2570

Dr. Matjasko will testify plaintiff's complaint of discrimination

Walter Backus, MD
Professor of Department of Anesthesiology
227-09 130th Ave
Laurelton, NY 11413
(718)528-5281

Dr. Backus will testify plaintiff's job performance as a resident physician at SUNY

John S. Gage, MD
Professor of Department of Anesthesiology
7 Mill Pond Road
Stony Brook, NY 11790
(631)246-5192

Dr. Gage will testify plaintiff's job performance as a resident physician at SUNY.

Rishimahi S.N. Adsumedli, MD
Attending Physician of Department of Anesthesiology
3 Barnaby Court
Hauppauge, NY 11788
(631)360-0633

Dr. Adsumelli will testify plaintiff's job performance as resident physician at SUNY

Joy E. Schable, MD
Attending Physician of Department of Anesthesiology
31 Chatham Place
Dix Hills, NY 11746
(516)499-1641

Dr. Schable will testify plaintiff's job performance as a resident physician at SUNY

Individuals listed below may be called to testify as expert witness at trial of this matter:

Marc K. Wallack, MD
Chairman, Department of Surgery and Professor Surgery
Vincent M. Scarpinato, MD
Associate Professor and Director of residency Program
New York Medical College
St. Vincent's Hospital and Medical Center
170 W 12th Street
New York, NY 10011
(212)604-8344

Dr. Wallack and Dr. Scarpinato will testify resident's credential requirement for
residency training program

Any witness listed or called by plaintiff

Any witness needed for rebuttal

DAMAGES

Pursuant to Fed.R. Civ. P. 26(a)(1)(C). Plaintiff's damages have not yet been specifically calculates, but can be expected to include the following:

(i) **Compensatory damage** – including:

(a) **Back pay damages:** The income plaintiff did not earn but should have between the dates of this alleged discriminatory revoke of privilege and the date of trial/the difference between his actual earnings and what he would have earned while in the program as an annual salary:

PGY-3	2001	\$49,064
PGY-4	2002	\$53,000
PGY-5	2003	\$57,000
PGY-6	2004	\$61,000
PGY-7	2005	\$65,000

(b) **Front pay damages:**

The income plaintiff would have earned as a practicing anesthesiologist at an average starting salary of \$304,341 as of July 2003 between the time of trial and until his projected retirement in 2037 at age 70 less any mitigation wages he might earn during that period presently undetermined.

= \$304,341 x 34

(c) **Pain, suffering, humiliation, mental anguish, emotional distress, and harm to professional reputation**

= \$500,000 x 4

(d) **Other compensatory damages** as the jury may award to compensate plaintiff for defendant's discriminatory conduct which cannot presently to be itemized;

(ii) **Punitive damages:** Defendants intentionally inflict plaintiff emotional distress, malice, defamation with malice, and with reckless disregarding Dr. Wang's federal-protected right in an amount to be determined at trial.

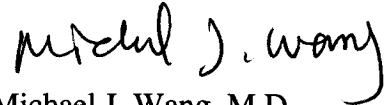
(iii) **Statutory cost:** which are enumerated under 28 U.S.C. Section 1920, which to date have not been fully incurred or itemized except for the \$250 filing fee, and which therefore cannot presently be itemized

(iv) **Pre-judgment interest** on any award, which cannot be calculated until a judgment has been rendered

Plaintiff reserves the right to amend and/or supplement the information and/or documentation contained herein or attached hereto.

Dated: May 17, 2005

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Michael J. Wang". The signature is fluid and cursive, with the first name "Michael" and last name "Wang" clearly distinguishable.

Michael J. Wang, M.D.

cc. Michael J. Puma Esq.
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921